



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Mori et al.

Serial No.: 10/085,116

Filed: March 1, 2002

Group Art Unit: 2811

Examiner: Nguyen, Cuong Quang

#6/ELE
9/16/3
Purles

For: STACKED CAPACITOR AND METHOD OF FORMING THE SAME AS WELL AS SEMICONDUCTOR DEVICE USING THE SAME AND CIRCUIT BOARD USING THE SAME

Honorable Assistant Commissioner of Patents
Alexandria, VA 22313-1450

**RESPONSE TO ELECTION/RESTRICTION
REQUIREMENT**

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Sir:

In response to the Office Action dated August 7, 2003, Applicants hereby elect, in response to the Examiner's Election/Restriction Requirement, the invention of what the Examiner calls "Embodiment 5 shown in Figure 6 and 7".

It is noted that this election is made with traverse, as further explained below.

Applicants consider that at least claims 1-9 are readable on the elected embodiment and claims 10-20 are readable on this elected embodiment in a combination/subcombination relationship. Applicants further consider that at least claims 1 and 10 are generic claims and that these at least two generic claims also exhibit a combination/subcombination relationship.

While Applicants agree with the Examiner's assessment that the eight embodiments listed by the Examiner are "not obvious from each other and they are considered as distinct inventions", it is pointed out that claims 1-9 and claims 10-20 are related in a combination/subcombination

Application S/N: 10/085,116
Docket: PF-2944/NEC/US/mh

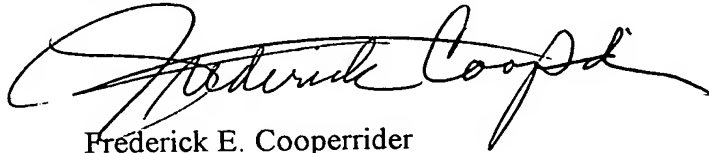
relationship. Accordingly, using the guidelines of MPEP §806.05(c) II, Applicants submit that it would be improper to further restrict the combination/subcombination grouping of claims 1-9 and claims 10-20.

Applicant reserves the opportunity to file a Divisional Application for any non-elected inventions later, should claims be canceled as a result of this restriction requirement. Early, favorable prosecution on the merits is respectfully requested.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A conditional petition is made for any extension of time which may become necessary. The Commissioner is authorized to charge any fees for such extension and to credit any overpayment in fees to Assignee's Deposit Account No. 50-0481.

Respectfully Submitted,



Frederick E. Cooperrider
Reg. No. 36,769

Date: _____

9/8/03

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